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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,134

12/15/2004

Armin Geurden

BM-161PCT

5307

7590

05/05/2006

Friedrich Kueffner
317 Madison Avenue
Suite 910
New York, NY 10017

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/518,134	GEURDEN, ARMIN	
	Examiner	Art Unit	
	Carlos Lugo	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 1-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> . |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the words "said" and "means". Further, it is unclear the term "in a lock of this type" (what type is the applicant disclosing?) in line 1. Correction is required. See MPEP § 608.01(b).
3. The specification is objected to because of the following informalities:
 - In Page 1 Line 2 and in Page 4 Lines 2 and 5, the specification recites "the introductory clause of claim 1". Applicant is reminded that the specification must support the claims and not vice versa. CFR § 1.74 (a)-(c) recites:

- The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with it is most nearly connected, to make and use the same.
- The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set.
- In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

Therefore, references to the claims in the specification should be removed.

Appropriate correction is required.

Claim Objections

4. Claims 1-19 are objected to because of the following informalities:

- Claim 1 Line 3, add -the lock comprising:- after the phrase "such as a housing (42),".

The preamble of an independent claim should comprise a general description of all the elements or steps of the claimed combination, which are conventional or known, a phrase such as "wherein the improvement comprises," and those elements, steps and/or relationships that constitute that portion of the claimed combination which the applicant considers as the new or improved portion.

- Claim 1 Line 4, delete the word "with".
- Claim 1 Line 4, delete the statement "(65,66)".
- Claim 1 Line 10, delete the word "with".
- Claim 1 Line 12, delete the word "with".
- Claim 1 Line 13, change "the outer end" to -an outer end-.
- Claim 1 Line 16, change "the inner section" to -an inner section-.
- Claim 1 Line 26, change "the lateral flank" to -a lateral flank-.
- Claims 2-19, Line 1, change "Lock according" to -A lock according-.
- Claim 3 Line 3, change "the arm" to -an arm-.
- Claim 5 Line 4, change "respect to axis" to -respect to an axis-.
- Claim 6 Line 1, change "the pivot bearing" to -a pivot bearing-.
- Claim 10 Line 3, change "which also encloses the angled section" to -which encloses an angled section-.

- Claim 10 Line 6, change "the stroke" to -a stroke-.
- Claim 13 Line 8, change "the pivot bearing" to -a pivot bearing-.
- Claim 13 Line 10, change "the carrier" to -a carrier-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claim 17 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites that the H-shaped pieces are arranged in a "polymer-like manner". It is unclear what the applicant is trying to claim as his invention by the term polymer-like manner arrangement.

In order to continue with the examination, the limitation will not be considered.

Appropriate correction and/or explanation is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-15 are rejected** under 35 U.S.C. 103(a) as being unpatentable over WO 95/27115 to Berggren in view of US Pat No 5,992,188 to Saunders.

Regarding claim 1, Berggren discloses a lock comprising at least one longitudinal movable locking bar (10 and 11), which is driven by an actuator acting by way of a rotor (12).

The locking bar, the rotor and an elastic element (13 and 14), located in between, are designed as a one-piece part.

The lock further comprises a longitudinal guide (18) for the locking bar and a locking opening in a stationary part (15) into which an outer end of the locking bar travels to produce a locking effect.

The elastic element is formed by an inner section of the locking bar itself and provides a bendable flexing section on the locking bar.

The rotor (12) is connected at a circumferential point onto a lateral flank of the flexing section of the locking bar.

However, Berggren fails to disclose that the flexible section is also accommodated in the longitudinal guide, wherein at least a certain part of the longitudinal guide in the area of the flexing section has a curved course.

Saunders (attachment #1) teaches that it is well known in the art to provide a longitudinal guide (34) that covers the entire locking bar system and that includes a curved section for a flexing member (58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lock described by Berggren with a longitudinal

guide member that can cover the entire locking bar system, as taught by Saunders, in order to protect and serve as a guiding structure when the locking bars are moved.

As to the word 'molded" in line 25, the word "molded" has been examined as being connected to, not as a method of connecting the members. The applicant is reminded that the method of forming the device is not germane to the issue of patentability of the device itself.

As to claim 2, Berggren, as modified by Saunders, illustrates that in the area of the flexing section, the part of the longitudinal guide adjacent to the curve guide piece is essentially tangential to the rotation of the rotor (at 46 in Saunders invention).

As to claim 3, Berggren illustrates that at least part of the flexing section is seated tangentially on a free end of an arm of the rotor (Figures 2 and 3).

As to claim 4, Berggren illustrates that the locking bars have a cranked part (right next to 13 and 14, Figures 2 and 3).

As to claim 5, Berggren illustrates that the locking bar has a central angled section (right next to 13 and 14, Figures 2 and 3) that proceeds at an angle with respect to the longitudinal movement of the bar. The angled section bridges a radial distance to the inner flexing section of the locking bar (Figures 2 and 3).

As to claims 6 and 7, Berggren, as modified by Saunders, teaches that a pivot bearing (16), the carrier (structure where 16 is seated on) and the longitudinal guides (34 at Saunders) are capable to be designed to form a one-piece part.

As to claim 8, Berggren, as modified by Saunders, teaches that the longitudinal guides are designed in the form of channels.

As to claim 9, Berggren, as modified by Saunders, illustrates that the guide channels extends essentially over the entire length of the locking bars.

As to claim 10, Berggren illustrates that the locking bar includes an angled section (right next to 13 and 14, Figures 2 and 3). Saunders teaches that the guide channel has a channel piece that encloses an angled section of the locking bar. The channel piece has an open width that is capable of being greater than or equal to a stroke during its longitudinal movement the locking bar.

As to claim 11, Saunders illustrates that the lateral walls of the channel piece that enclosed the angled section are capable of limiting the longitudinal stroke of the locking bars.

As to claim 12, Berggren discloses the use of flanges (18) to attach the lock to the resting part.

As to claim 13, Berggren, as modified by Saunders, teaches that the lock consists of two structural units that consist of multiple elements. The two structural units are designed to form a single piece, namely, a movable unit comprising the locking bar (10 and 11) with their flexing sections (13 and 14), onto which the rotor (12) is connected; and a stationary unit comprising a pivot bearing (16) for the rotor, the longitudinal guide (34 of Saunders device) for the locking bars and possibly a carrier.

As to the word 'molded' in line 7, the word "molded" has been examined as being connected to, not as a method of connecting the members. The applicant is reminded

that the method of forming the device is not germane to the issue of patentability of the device itself.

As to claim 14, although Berggren does not clearly express that the locking bars consist of two different materials, Berggren's locking bars (10 and 11) are capable of being made of two different materials since the material in the area of the flexing section (13 and 14) is designed to bend more easily than the material of the remaining.

As to claim 15, Berggren illustrates that the flexing sections and the remaining of the locking bars (10,11,13 and 14) together with the rotor (12) are all made of the same material with the difference that the flexing section (13 and 14) have a profiling that makes them flexible.

Allowable Subject Matter

9. **Claim 16 is objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. **Claims 17-19 would also be allowed** because the claims depend from claim 16 (see 112nd paragraph rejection for claim 17).
11. At the instant, Berggren, as modified by Saunders, fails to disclose that the flexing section has essentially the same width as the rest of the bar and has a profiling which reduces the cross section of the locking bar in certain areas.

Berggren illustrates that the flexing section (13 and 14) have a width of less than half of the width of the rest of the locking bars so as to one of ordinary skill in the art can establish that has essentially the same width.

Conclusion

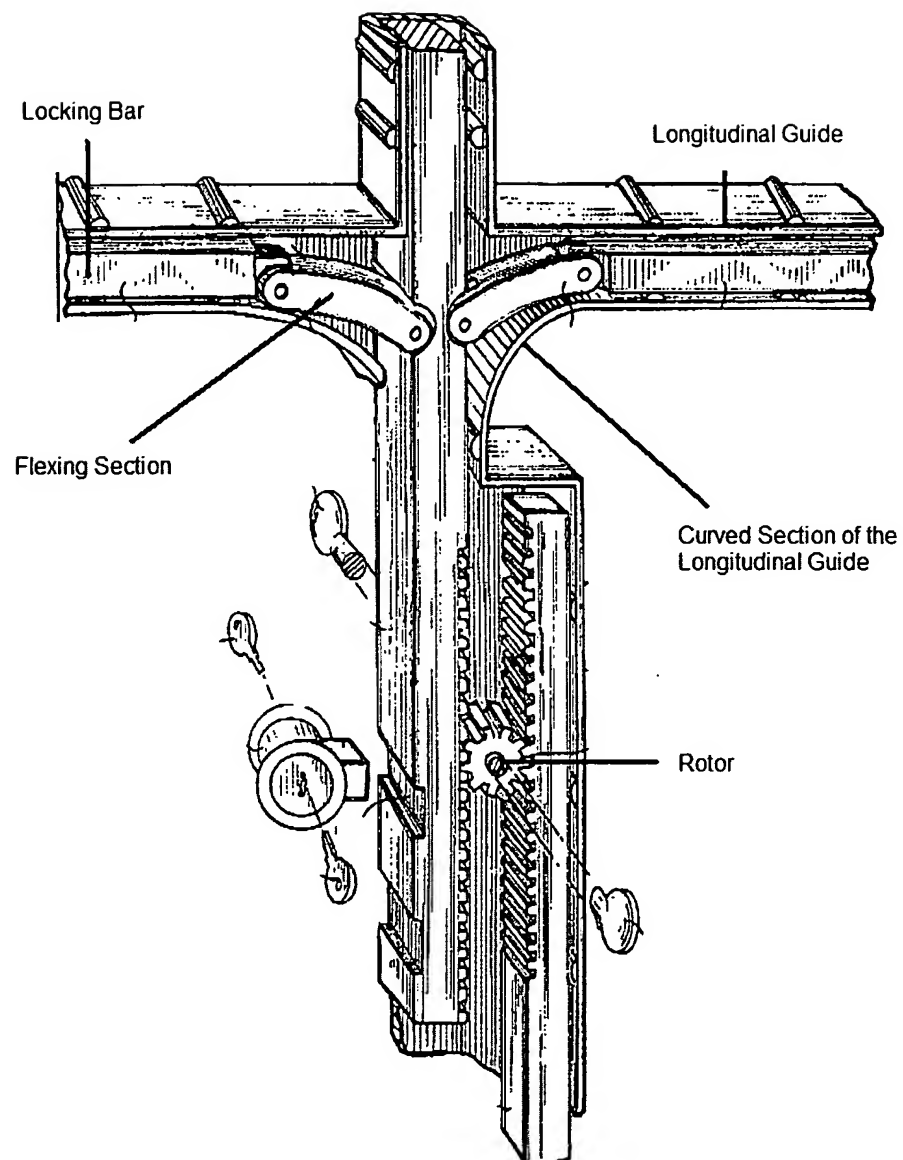
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.



Carlos Lugo
Patent Examiner AU 3676
May 2, 2006.



Attachment #1